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Jason Gray

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JASON GRAY, on behalf of himself and
others similarly situated,

Plaintiff,

v.

CALIFORNIA REDWOOD COMPANY;
SIMPSON TIMBER COMPANY; and
DOES 1 to 50, Inclusive,

Defendants.

No. CV 07-05589 CRB

JOINT REPORT PURSUANT TO FED. R.
CIV. P. 26(F)

[Superior Court Case No. RG07348848]

Defendants California Redwood Company and Simpson Timber Company (together, “Defendants”) and Plaintiff Jason Gray (“Plaintiff”) hereby submit this joint report pursuant to Rule 26(f) of the Federal Rules of Civil Procedure (concurrently submitted herewith is the parties’ Joint Case Management Conference Statement, addressing the matters so ordered by the Court). Counsel for the parties held a telephonic meeting and conference on January 30, 2008, at which Plaintiff was represented by Eric B. Kingsley, of Kingsley & Kingsley, APC, and Defendants were represented by David R. Ongaro, of Perkins Coie LLP.

I. CHANGES TO INITIAL DISCLOSURES [Rule 26(f)(3)(A)]

The parties have agreed to make their initial disclosures, as ordered by the Court, on or before February 15, 2008.

II. DISCOVERY ISSUES, TIMING, AND PHASING [Rule 26(f)(3)(B)]

The parties propose that discovery be limited to issues pertinent to class certification, and not reach the merits of Plaintiff’s claims, until after the Court’s ruling, in or around December 2008, on Plaintiff’s anticipated class certification motion. As such, the parties request that discovery be phased, with certification discovery constituting the first phase, and merits discovery constituting the second phase. The parties propose that each such phase be subject separately to the numerical limitations on discovery set out in the Federal Rules of Civil Procedure (e.g., that pursuant to Rule 33(a)(1), each party be allowed to serve twenty-five interrogatories as to certification, and then a further twenty-five interrogatories as to the merits).

III. ELECTRONICALLY STORED DATA ISSUES [Rule 26(f)(3)(C)]

Where electronically stored information is requested, the parties will, where practicable, provide such data in native format. Where such electronically stored information is produced, and should the recipient not be able to access the information, the producing party will provide any required passwords and otherwise cooperate in assisting the recipient to read and sort the data.

IV. PRIVILEGE AND PROTECTION ISSUES [Rule 26(f)(3)(D)]

Apart from potential trade secret problems and third party privacy and confidentiality issues regarding past and present employees of Defendants, the parties do not anticipate

1 significant privilege problems. The parties will work together to resolve any such issues,
2 including, if necessary, a proposed stipulated protective order relating to confidentiality.

3 **V. CHANGES TO LIMITATIONS ON DISCOVERY [Rule 26(f)(3)(E)]**

4 Other than as stated above, the parties have not reached any agreements resulting in
5 discovery limits different from the Federal Rules of Civil Procedure or this Court's Local Rules.

6 Defendants contend that ten seven-hour depositions per side are more than adequate, and
7 that no relief from the federal rules limitations on the number of interrogatories is necessary
8 (except that Defendants propose two phased rounds of discovery, as set out in more detail in the
9 Case Management Conference statement filed contemporaneously herewith).

10 **VI. OTHER ORDERS [Rule 26(f)(3)(F)]**

11 The parties request that the Court allow a procedure whereby, pursuant to stipulation and
12 order, the page limits applicable to the class certification motion and opposition thereto and any
13 motion for summary judgment or adjudication and opposition thereto may be altered or enlarged.

14
15 DATED: February 8, 2008

PERKINS COIE LLP

16
17 By: _____
Steven C. Gonzalez,

18 Attorneys for Defendants
19 California Redwood Company and Simpson
Timber Company

20 DATED: February 8, 2008

KINGSLEY & KINGSLEY, APC

21
22 By: _____
Eric B. Kingsley,

23 Attorneys for Plaintiff
24 Jason Gray